

UNITED STATES DISTRICT COURT
for the

Eastern District of North Carolina

United States of America)
v.) Case No: 5:06-CR-40-1F
Dewayne S. Rainey) USM No: 50253-056
Date of Previous Judgment: February 6, 2007) Defendant's Attorney Thomas P. McNamara
(Use Date of Last Amended Judgment if Applicable))

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of 96 months (per count) months is reduced to 43 months (per count)

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as provided above, all provisions of the judgment dated 02/06/2007 shall remain in effect.

IT IS SO ORDERED.

Order Date: 4/3/12

Jane E. Joy
Judge's signature

Effective Date: _____
(if different from order date)

James C. Fox, Senior U.S. District Judge
Printed name and title

EDNC Rev. 11/8/2011